



Succession (Scotland) Act 2016

2016 asp 7

Forfeiture

12 Person forfeiting to be treated as having failed to survive victim

- (1) This section applies where, under the forfeiture rule, a person (“the offender”) has forfeited—
 - (a) rights of succession to the estate of the deceased,
 - (b) a beneficial interest in trust property which (but for the forfeiture) the offender would have acquired in consequence of the deceased’s death,
 - (c) title to property which (but for the forfeiture) the offender would have acquired in consequence of the deceased’s death by virtue of a special destination.
- (2) In subsection (1)(b), “trust property” means property which, before the deceased’s death, was held in trust for any person.
- (3) The offender is to be treated as having died before the deceased—
 - (a) for the purposes of the rights of succession to the deceased’s estate,
 - (b) in relation to the beneficial interest mentioned in subsection (1)(b),
 - (c) in relation to the title to property mentioned in subsection (1)(c),(as the case may be).
- (4) For the avoidance of doubt, references in this section to rights of succession to the estate of the deceased include references to—
 - (a) a claim to jus relictii, jus relictiae or legitim out of that estate,
 - (b) an entitlement from that estate conferred by section 8 or 9 of the Succession (Scotland) Act 1964.
- (5) In this section, “the deceased” means the person as a result of whose death the forfeiture arose.